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M. WILLIAM FOSTER
CHIEF, REGULATIONS AND PROCEDURES DIVISION
ALCOHOL AND TOBACCO TAX AND TRADE BUREAU
PO BOX 14412
WASHINGTON, DC 20044-4412
E-MAIL : WILLIAM.FOSTER@TTB.GOV

COMMENTS ON TEMPORARY REGULATIONS OF SECTION 2002 :
MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 2004

WINE IMPORT CERTIFICATION

The Comité Européen des Entreprises Vins (CEEV)¹ would like to thank the TTB for giving it the opportunity to address preliminary comments on possible temporary regulations of the enforcement of the new requirements for wine imports to the United States.

At this stage of the proceeding, CEEV would like to submit the following suggestions, wishing that new requirements would not present new hard obstacles to our trade flows, considering the United States a major market/destination for our wines.

1. Affected products and beginning of implementation

Our understanding of the text of the law is that only wines produced after 31 December 2004 will be concerned by the new regulations. From the US fiscal definition of wine, "produced" means result of complete fermentation or removal of fermenter. Under this definition, we would be pleased to have confirmation that only wines produced after the year 2005 (inc.) would be affected by the law. For some wines, specific production methods that impose a minimum of two years maturation (such as Champagne Wines) induce that these wines produced after 31 December 2004 will not be put on the market before these two years, that means not before end of 2007. On our example, any Champagne wines cannot be subjected to certification before end of 2007.

Furthermore, due to the derogations that the EU has accepted to permit imports of wine in the EU from the United States until 31 December 2005, and understanding that the aim of this new act is to seek for reciprocity of conditions of certification, we could not understand that these new regulations apply to european wines before the actual termination of the EU derogations.

¹ The Comité Européen des Entreprises Vins brings together 20 national organisations of producers and dealers in wines , aromatised wines, sparkling wines and liqueur wine in 12 European Union countries and Switzerland.



2. Certification / proper cellar treatment

We fully support the position of TTB to put the “least burden on importers” and exporters.

We would be grateful to TTB for defining precisely the list of oenological practices/proper cellar treatment that are concerned by certification from government from producing countries.

We would also like to suggest to the TTB that certification is required for an imported wine, on a single time basis for a specified product and not on a shipment-by-shipment basis. That would mean that the certification, once approved by the government of the producing country, is given once and for all to the foreign producer/exporter for a specified wine characterized by an appellation and/or a vintage. One single certificate could then be served for all exports to the US of the same wine.

TTB will be provided with a list of possible official organisations that will be able to provide certification such as the Chambers of Commerce and Industry in the country of origin of the wine.

3. Laboratory analysis and list of affirmed laboratories

Again in that case, we appreciate TTB wish to put the least burden on importers and exporters.

We understand the scope of laboratory analysis that considers only 3 elements to be analysed: total alcohol, sulphur dioxide and volatile acidity. From our point of view, there is no other element that should be mandatory.

We understand that TTB will accept not only government laboratories but also a list of government approved/certified laboratories that will be able to provide the required analysis.

4. Definition of wine

We understand that the definition of natural wine covered by the new regulation is provided by the Internal Revenue Code, that means that all wines exceeding 0,5% alcohol by volume, and to a maximum of 24% ABV are concerned by the new act.

Our understanding is these levels of alcohol concern acquired or actual levels of alcohol and not total alcohol, in conformity with customs definitions of the different class of alcohol contents in wines.

5. Small consignments

Consideration and clarification of the requirements for limited quantities is requested since any requirement to comply with the certification requirements could create a serious impediment to

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comité européen des entreprises vins

Vins, Vins Aromatisés, Vins Mousseux, Vins de Liqueur et autres Produits de la Vigne

Av des Arts, 43, B-1040 Bruxelles

Tél : (+32 2) 230 99 70 – Fax : (+32 2) 513 02 18 E-Mail : ceev@ceev.be



the introduction of new products or the promotion of products already in the market. Examples of such cases are the following :

- products imported by travellers ;
- quantities of wine sent in consignments from one private individual to another ;
- wines imported for trade fairs ;
- quantities of wine imported for the purpose of scientific and technical experiments (samples)
- wines for diplomatic, consular or similar establishments, imported as part of their duty-free allowance ;
- wines held on board international means of transport (aviation...).

As these new requirements have to be provided for wine offer to trade consumers in the United States, we strongly urge TTB to take into consideration an exemption for non commercial purpose shipments (samples, trade fairs...).

Finally, we would like to underline that these new requirements would not be requested anymore for European imported wines to the USA, when the current negotiations of the "wine accord" between the EU and the US are concluded.

We thank TTB for giving the opportunity of sending these first comments and will be pleased to provide further comments if requested.

A handwritten signature in black ink, appearing to read "Marion Wolfers".

Marion Wolfers
General Secretary

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